

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,
a Delaware Limited Liability Company
Plaintiff,

v.

ARCHITECTURAL LIGHTING SYSTEMS, a
division of ARCH LIGHTING GROUP, a
Rhode Island Corporation

Defendant.

Civil Action No. 05-CV-10945 WGY

PLAINTIFF'S MOTION IN LIMINE TO
EXCLUDE DEFENDANT'S EXPERT EVIDENCE

Plaintiff Genlyte Thomas Group LLC ("Genlyte") moves the Court to exclude Defendant, Arch Lighting Group's ("ALS") Expert Evidence. As set forth in the accompanying memorandum, ALS waited until December 22, 2006 – 10 days prior to the scheduled trial date – to serve (1) an expert report by Dr. Ian Lewin and (2) identify Scott Davis, ALS' President and owner, as a possible expert. Moreover, ALS has failed to serve an expert report by Mr. Davis in accordance with Fed.R.Civ.P. 26. Such late disclosures by ALS are prejudicial to Genlyte in that Genlyte does not have enough time to adequately prepare for such expert evidence at trial. Moreover, Genlyte cannot prepare at all for Mr. Davis' expert testimony when it has not received an expert report in accordance with Fed.R.Civ.P. 26. Consequently, Genlyte respectfully requests this Court to enter the accompanying proposed Order precluding ALS from introducing at trial its expert evidence.

Respectfully submitted,

/s/ Thomas C. O'Konski

James E. Milliman (Pro hac vice)
James R. Higgins, Jr. (Pro hac vice)
Robert J. Theuerkauf (Pro hac vice)
MIDDLETON REUTLINGER
2500 Brown & Williamson Tower
Louisville KY 40202
Telephone: (502) 584-1135
Facsimile: (502) 561-0442

-and-

Thomas C. O'Konski BBO#337475
John L. Capone BBO#656150
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210
Telephone: (617) 951-2500
Facsimile: (617) 951-3927

*Counsel for Plaintiff, Genlyte Thomas
Group LLC*

Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 26 day of December, 2006.

/s/ Thomas C. O'Konski

Counsel for Plaintiff, Genlyte Thomas Group LLC

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,
a Delaware Limited Liability Company
Plaintiff,

v.

ARCHITECTURAL LIGHTING SYSTEMS, a
division of ARCH LIGHTING GROUP, a
Rhode Island Corporation

Defendant.

Civil Action No. 05-CV-10945 WGY

**[Proposed] ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE TO
EXCLUDE DEFENDANT'S EXPERT EVIDENCE**

This matter is before the Court on the motion by Plaintiff, Genlyte Thomas Group LLC ("Genlyte") to Exclude Defendant, Arch Lighting Group's ("ALS") Expert Evidence ("Genlyte's Motion"). The Court, having reviewed and considered the parties' respective memoranda and supporting material, and any responses thereto, and otherwise being duly and sufficiently advised,

IT IS HEREBY ORDERED AND ADJUDGED that Genlyte's Motion be, and it hereby is, GRANTED in its entirety; and

IT IS HEREBY ORDERED that the Defendant, Arch Lighting Group, is precluded from presenting any testimony by Dr. Ian Lewin with respect to ALS' defense of non-infringement and any expert testimony of Scott A. Davis at any trial, hearing or motion in this case.

SO ORDERED this ____ day of _____, 2006.

Hon. William G. Young, U. S. D. J.